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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,603	11/22/2005	Dino Girardi	A-9789	6075

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EXAMINER

WENDELL, MARK R

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

03/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/557,603

Applicant(s)

GIRARDI, DINO

Examiner

MARK R. WENDELL

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the central web" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Couto (WO 9706322). Regarding claims 1 and 10, Couto illustrates in Figures 1 and 5 a complex of structural elements for forming glass brick walls comprising:

- A substantially C-shaped aluminum profile bar (1 and 2) for bounding the wall around the perimeter;

- A plurality of dividers (4) horizontally separating each glass brick from the adjacent one and having at least their exposed longitudinal edges made of aluminum;
- A plurality of horizontal aluminum stringers (3) consisting of a horizontal web (middle channel bottom) provided at least along one longitudinal edge with a T-shaped appendix (outer edge of item 3), said web being provided at regular intervals with seats (outwardly extending pegs shown in Figure 5) for fixing the uprights of said dividers (4), said stringers being provided at their ends with elements (outwardly extending pegs) to be removably coupled to the interior of the vertical C-shaped profile bars.
- The central web (assumed to be the same as the horizontal web) of the stringer (3) having cylindrical portions (8) for fixing the coupling elements.

The examiner notes that the cylindrical portions are used to fix elements together (2 and 3) and screws are also used (see Figures 1 and 5) to couple the structure to the wall or floor. Additionally, regarding claim 10, the coupling elements (8) have a curved portion since they are cylindrical and a straight portion which is the horizontal axis.

Regarding claim 4, Couto illustrates in Figure 3 an H-shaped profile bar (4), the flanges (end portions of 4 extending above and below element 10) of which embrace two back-to-back C-shaped profile bars (1 and 3), and which is also provided with two U-shaped appendices (9) which when assembled form a seat for the insertion of a head provided at the end of a pin (8).

Regarding claim 8, Couto illustrates in Figure 3 the divider (4) being made of wood (Page 2, lines 12-14) with seats (9) at the end for snap engagement of an appendix (1 or 3).

Regarding claim 11, the coupling elements are, if necessary, removably attached to the stringers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Couto (WO 9706322) in view of Wirkus et al. (EP 1039062). It is described above what is disclosed by Couto, however Couto does not teach the inner surface of the profile bars having a pair of ribs. Wirkus illustrates in Figure 3 the C-shaped profile bar (13) having two pairs of ribs (16, 17, 18). It would have been obvious to one having ordinary skill in the art at the time of invention to modify the channel of Couto to include the ribs of Wirkus in order to have a stronger connection between structures and for ease of adjustment.

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Claims 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couto (WO 9706322). It is described above what is disclosed by Couto, however the reference illustrates the stringer fixing seat consisting of pegs or protrusions which engage holes within the profile bar and dividers. It would have been obvious to one having ordinary skill in the art at the time of invention to have the protrusions on the profile bars and dividers the holes within the stringer, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art (In re Einstein, 8 USPQ 167).

Regarding claim 7, the reference teaches the divider having a ladder-shaped spacer (10), however fails to teach the divider having coupling elements attached thereto to engages the profile bar. The horizontal channel has the coupling elements along with the coupling elements attached to the ends of the horizontal stringer. It would have been obvious to one having ordinary skill in the art at the time of invention to add additional pegs and recesses to the spacers for further stability and strength of the structure.

Regarding claim 9, Couto does not distinctly teach the use of a rubber gasket within the stringer to retain the glass brick; however rubber gaskets are commonly used and well known in the art because of there ability to retain objects and seal gaps. It would have been obvious to one having ordinary skill in the art at the time of invention to insert a

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rubber gasket into the stringer groove in order for better retention of the glass bricks within the wall.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couto (WO 9706322) in view of Hardman et al. (GB 2365882). Regarding claim 2, it is described above what is disclosed by Couto, however Couto does not teach the specifics of the coupling element. Hardman illustrates in Figure 6 a coupling element that is substantially rectangular with minor sides (26 and 28) having flat (top) and curved side and having slotted holes (30, 32, 36).

Regarding claim 3, Hardman illustrates in Figures 5 and 6 and discloses on Page 7, a bar (34) provided in its minor sides (26, 28) with slotted holes (36a and 36b) terminating with an eyelet through which pins (24) are inserted to be axially engaged in said holes by nuts (or larger end of the pin).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Wendell whose telephone number is (571) 270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot/
Supervisory Patent Examiner, Art
Unit 3635

/M. R. W./
Examiner, Art Unit 3635
March 25, 2008